

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

CHRISTOPHER BERES,

Plaintiff,

v.

RELX Inc. d/b/a LEXIS NEXIS USA and
PORTFOLIO MEDIA, INC.,

Defendants.

Case No.25-CV-00079-SM-AJ

**DEFENDANTS' MOTION TO CONVERT NOTICE OF VOLUNTARY WITHDRAWAL
INTO DISMISSAL WITH PREJUDICE AND FOR ATTORNEY'S FEES**

Defendants RELX Inc. ("RELX") and Portfolio Media, Inc. ("PMI") (collectively, "Defendants") respectfully move for an order converting Christopher Beres' ("Plaintiff") notice of voluntary dismissal without prejudice to an adjudication on the merits in Defendants favor and dismissal of this action with prejudice. Defendants further move for an order awarding them attorney's fees. In support thereof, Defendants state as follows:

1. On February 21, 2025, Defendants timely removed Plaintiff's state court complaint to this Court. Dkt. 1.
2. On February 25, 2025, Plaintiff and now-severed plaintiff Andrew Delaney filed an amended complaint and moved to remand. Dkts. 6 & 7.
3. On March 11, 2025, Defendants objected to the motion to remand and cross-moved to sever Andrew Delaney from this action. Dkts. 8 & 9.
4. On March 12, 2025, Defendants timely moved to dismiss all claims for failure to state a claim, outlining the vexatious litigation on the part of plaintiffs that preceded this lawsuit.

Dkts. 10 & 11.

5. On April 1, 2025, this Court, in recognition of the preceding litigation and the ongoing duplicative litigation in New York with plaintiff Delaney, granted Defendants' cross-motion to sever Delaney from this lawsuit and denied Plaintiff's motion to remand to state court. Dkt. 29.

6. On April 3, 2025, in an apparent effort to circumvent Defendants' pending 12(b)(6) motion to dismiss and avoid a final adverse order on the merits, Plaintiff filed a notice of voluntary withdrawal of this action that seeks dismissal of this action without prejudice.

7. Defendants respectfully request that this Court not allow Plaintiff to continue his pattern of voluntarily dismissing cases just to refile them elsewhere and, instead, ask the Court to dismiss this action with prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(B) and/or pursuant to its discretion.

8. Additionally, Defendants seek an award of attorney's fees and costs due to the bad faith and vexatious nature of Plaintiff's conduct and pursuant to New York's substantive anti-SLAPP law.

WHEREAS, Defendants respectfully request that the Honorable Court:

- A. Grant the within Motion;
- B. Reject Plaintiff's Notice of Withdrawal without prejudice and instead dismiss his claims on the merits with prejudice;
- C. Award Defendants attorney's fees and costs; and,
- D. Grant whatever such further relief is necessary and just.

Dated: April 7, 2025

Respectfully submitted,

/s/ Olivia F. Bensinger

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**Pro Hac Vice*

*Attorneys for Defendants RELX Inc. and
Portfolio Media, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of April, 2025, I conventionally served the foregoing on all parties of record via first-class mail at the following address:

Christopher Beres
4 Center Street
Wolfeboro, NH 03894

/s/ Olivia F. Bensinger
Olivia F. Bensinger